IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

WRIT PETITION NO.492 (MS) OF 2006

Manohar Lal, S/o late Natthu Singh,
R/o 152/1, D.L., Road, Dehradun,
District-Dehradun. .....Petitioner.

Versus

1. Regional Transport Tribunal, Dehradun, through its Secretary, R.T.O. Dehradun.
2. Bijendra Singh Rawat, S/o Shri Brijpal Singh Rawat, R/o Village-Majarimafi, Post Office-Mohakampur, District-Dehradun. .....Respondents.

Mr. Nikhilesh Joshi, Advocate for the petitioner.

Dated: 05.05.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order dated 20th April, 2006 (Annexure No. 7 to the writ petition).

Briefly stated, the petitioner alleges himself to be a temporary licensee/permit holder issued in his favour by the Secretary Transport Authority on 21.02.2006 (Annexure No. 5 to the writ petition) for the period 21.02.2006 upto 22.05.2006 for a route of D.L. Road to Defence Colony. He has annexed the temporary permit as Annexure No.1 showing the period from 21st February, 2006 to 22nd May, 2006 issued by the Transport Department Uttaranchal under Rule 65(1)(5) as a temporary permit in respect of Vehicle No. U.A. 07-L-2795. The respondent no. 2 has preferred a revision being Revision

No. 2 of 2006 after recording a finding that the order passed by the RTA was not in accordance with law and the Revisional Court has allowed the revision and sent the matter back to the RTA for deciding afresh. In the meantime, the temporary permit, which was granted to the petitioner has also been set aside. The revsional Court has also directed the RTA to decide the application in accordance with law.

The petitioner has submitted that up till now, he is plying the vehicle in pursuance of the temporary permit granted in his favour, which is expiring on 22nd May, 2006.

The petitioner has filed a copy of the order dated 10th March, 2006 from which it will appear that the stay order was granted by revisional Authority in Revision up to 17th March, 2006.

The counsel for the petitioner has submitted that he is still plying the Bus in pursuance of the temporary permit granted in his favour which is valid up to 22nd May, 2006.

Sri Sharad Sharma, counsel appearing for the respondent no. 2 has submitted that the order passed on 21st February, 2006 was not in accordance with law and even the quorum was not complete as per Section 80 of the Motor Vehicles Act.

Since the matter has already been sent back to the RTA, it will be open for the RTA to decide the matter in accordance with law after giving opportunity to the petitioner and the respondents.

However, since the matter has already been remanded but at the same time temporary permit has already been quashed, if the petitioner is plying the vehicle at present, he shall carry on the same till the disposal of the matter by the RTA or till 22nd May, 2006.

In view of the above, writ petition needs no interference under Article 226/227 of the Constitution of India so far as the order of remand is concerned.

Writ petition is disposed of. No order as to costs.

05.05.2006 (Rajesh Tandon, J.)

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